

Appl. No. 10/024,783
Final Amendment and/or Response
Reply to final Office action of 19 July 2005

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REMARKS / DISCUSSION OF ISSUES

Claims 1, 4-8, 10-11, 13-14, 17, and 21-28 are pending in the application.

The Examiner has rejected:

claims 1, 4, 5, 8, and 14 under 35 U.S.C. 103(a) over Schoo et al. (USP 6,326,091, hereinafter Schoo) and Hayashi et al. (USP 6,806,643, hereinafter Hayashi);

claim 6 under 35 U.S.C. 103(a) over Schoo, Hayashi and Yudasaka et al. (USP 6,541,918, hereinafter Yudasaka);

claim 7 under 35 U.S.C. 103(a) over Schoo, Hayashi, and Sturm et al. (USP 6,087,196, hereinafter Sturm);

claim 17 under 35 U.S.C. 103(a) over Shoo, Hayashi, Yudasaka and Sturm;

claim 10, 13, and 22 under 35 U.S.C. 103(a) over Schoo and Beigel et al. (USP 6,414,543, hereinafter Beigel);

claims 11 and 21 under 35 U.S.C. 103(a) over Schoo, Beigel, and Yudasaka;

claims 23-25 under 35 U.S.C. 103(a) over Schoo, Beigel, and the applicant's admitted prior art (hereinafter AAPA); and

claims 26-29 under 35 U.S.C. 103(a) over Schoo, Hayashi, and AAPA.

The applicants claim priority in this application to EP 00204813, filed 22 December 2000. Schoo was filed on 24 April 1997 and issued on 4 December 2001, and therefore is available as prior art to this application under 35 U.S.C. 102(e).

In accordance with 35 U.S.C. 103(c)(1):

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Above is a statement of common ownership of Schoo and this application at the time that this invention was made, as required by 35 U.S.C. 103(c) to disqualify Schoo from being used in a rejection under 35 U.S.C. 103(a).

Because Schoo is not available as prior art for this application, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1, 4-8, 10-11, 13-14, 17, and 21-28 under 35 U.S.C. 103(a) over Schoo.

The Office action objects to the drawings. FIG. 1 is amended herein to illustrate a first selection layer 9', and an alternative selection layer 9". The specification is correspondingly amended to include a reference to each of these selection layers 9' and 9". The applicants respectfully maintain that this amendment adds no new matter, because these selection layers are taught in the specification as filed, at page 13, line 18 through page 14, line 14.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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Amendments to the Drawing Figures:

The attached drawing sheet(s) include proposed changes to FIG. 1 and replace(s) the original sheet including FIGs 1-3.

Attachment: Replacement Sheet

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